

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

THE BUSINESS & TECHNOLOGY  
RESOURCE GROUP, INC., *et al.*,

*Plaintiffs,*

vs.

NORYAN SYSTEMS, INC., *et al.*,

*Defendants.*

Civil Action No. 1:08-cv-681  
GBL/JFA

**MEMORANDUM IN SUPPORT OF MOTION  
TO WITHDRAW AS COUNSEL**

Pursuant to Local Rule 83.1(G), the law firm of Holland & Knight LLP respectfully moves this Court for leave to withdraw as counsel for Defendants Noryan Systems, Inc., Noryan Holdings, Inc., Noryan Consulting Services, Inc., Anthony Furnelli, and Lynn Richards for the following reasons.

Movant seeks to withdraw on the grounds that one or more of the circumstances set forth in Virginia Rules of Professional Conduct 1.16 permit withdrawal of representation by leave of court after notice to the client under paragraph (b). That rule provides in pertinent part that:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

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(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.

In this case, the two bases above for withdrawal exist. Defendants have failed substantially to fulfill its obligations to Movant relating to payment, and have been given

reasonable warnings that Movant will withdraw unless the obligations are fulfilled. Continued representation will result in a substantial and unreasonable financial burden on Movant, and the representation has been rendered unreasonably difficult by the client. Withdrawal of counsel at this state of the proceeding will not prejudice Defendants. The Defendants have been given advance notice of this motion.

March 20, 2009

Respectfully submitted,

/s/ BRANDON H. ELLEDGE

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of March, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF), to the following:

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*Counsel for Defendants*

I further certify that a copy of the foregoing was sent this 20<sup>th</sup> day of March, 2009 by e-mail and hand delivery to:

Noryan Systems, Inc.

Noryan Holdings, Inc.

Noryan Consulting Services, Inc.

Attn: Robert D. Padgett

4501 Singer Court, Suite 250

Chantilly, Virginia 20151

Lynn Richards

1800 Old Meadow Road #1213

McLean, Virginia 22102

I further certify that a copy of the foregoing was sent this <sup>2<sup>th</sup></sup> day of March, 2009 by e-mail and federal express to:

Anthony Furnelli  
104 Hillcrest Avenue  
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Feb. 12

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